

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
	)	
W. R. GRACE & CO., <i>et al.</i> , <sup>1</sup>	)	Case No. 01-01139 (JKF)
	)	Jointly Administered
Debtors.	)	

**AMENDED NOTICE OF AGENDA OF MATTERS**  
**SCHEDULED FOR HEARING ON FEBRUARY 21, 2006,**  
**AT 2:00 P.M. BEFORE THE HONORABLE JUDITH K. FITZGERALD**

**PARTIES WISHING TO PARTICIPATE TELEPHONICALLY SHOULD COMPLY  
WITH THE *AMENDED ORDER ESTABLISHING CASE MANAGEMENT PROCEDURES*  
*AND HEARING SCHEDULE* [Docket No. 7709]**

**UNCONTESTED MATTERS**

1. Motion of the Debtors for the Entry of an Order Expanding the Scope of the Employment of Steptoe & Johnson LLP as Special Counsel to the Debtors [Filed: 1/17/06] (Docket No. 11553)

<sup>1</sup> The Debtors consist of the following 62 entities: W. R. Grace & Co. (f/k/a Grace Specialty Chemicals, Inc.), W. R. Grace & Co.-Conn., A-1 Bit & Tool Co., Inc., Alewife Boston Ltd., Alewife Land Corporation, Amicon, Inc., CB Biomedical, Inc. (f/k/a Circe Biomedical, Inc.), CCHP, Inc., Coalgrace, Inc., Coalgrace II, Inc., Creative Food 'N Fun Company, Darex Puerto Rico, Inc., Del Taco Restaurants, Inc., Dewey and Almy, LLC (f/k/a Dewey and Almy Company), Ecarg, Inc., Five Alewife Boston Ltd., G C Limited Partners I, Inc. (f/k/a Grace Cocoa Limited Partners I, Inc.), G C Management, Inc. (f/k/a Grace Cocoa Management, Inc.), GEC Management Corporation, GN Holdings, Inc., GPC Thomasville Corp., Gloucester New Communities Company, Inc., Grace A-B Inc., Grace A-B II Inc., Grace Chemical Company of Cuba, Grace Culinary Systems, Inc., Grace Drilling Company, Grace Energy Corporation, Grace Environmental, Inc., Grace Europe, Inc., Grace H-G Inc., Grace H-G II Inc., Grace Hotel Services Corporation, Grace International Holdings, Inc. (f/k/a Dearborn International Holdings, Inc.), Grace Offshore Company, Grace PAR Corporation, Grace Petroleum Libya Incorporated, Grace Tarpon Investors, Inc., Grace Ventures Corp., Grace Washington, Inc., W. R. Grace Capital Corporation, W. R. Grace Land Corporation, Gracoal, Inc., Gracoal II, Inc., Guanica-Caribe Land Development Corporation, Hanover Square Corporation, Homco International, Inc., Kootenai Development Company, L B Realty, Inc., Litigation Management, Inc. (f/k/a GHSC Holding, Inc., Grace JVH, Inc., Asbestos Management, Inc.), Monolith Enterprises, Incorporated, Monroe Street, Inc., MRA Holdings Corp. (f/k/a Nestor-BNA Holdings Corporation), MRA Intermedco, Inc. (f/k/a Nestor-BNA, Inc.), MRA Staffing Systems, Inc. (f/k/a British Nursing Association, Inc.), Remedium Group, Inc. (f/k/a Environmental Liability Management, Inc., E&C Liquidating Corp., Emerson & Cuming, Inc.), Southern Oil, Resin & Fiberglass, Inc., Water Street Corporation, Axial Basin Ranch Company, CC Partners (f/k/a Cross Country Staffing), Hayden-Gulch West Coal Company, H-G Coal Company.

Related Documents:

- a. Supplemental Affidavit of Anne E. Moran in Connection with the Debtors' Employment of Steptoe & Johnson LLP as Special Tax Counsel to Debtors [Filed: 1/17/06] (Docket No. 11553)
- b. [Proposed] Order Authorizing the Expansion of the Employment of Steptoe & Johnson LLP as Special Tax Counsel to the Debtors [Filed: 1/17/06] (Docket No. 11553)
- c. Certification of No Objection Regarding Docket No. 11553 [Filed: 2/9/06] (Docket No. 11745)
- d. Certification of Counsel [Filed: 2/14/06] (Docket No. 11783)

Response Deadline: February 3, 2006, at 4:00 p.m.

Responses Received: None as of the date of this Notice of Agenda.

Status: The Debtors and the Official Committee of Unsecured Creditors have agreed on a modified form of order which has been submitted under Certification of Counsel.

2. Motion of the Debtors for the Entry of an Order Expanding the Scope of the Employment of Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C. as Special Counsel to the Debtors [Filed: 1/17/06] (Docket No. 11556)

Related Documents:

- a. [Proposed] Order Authorizing the Expansion of the Employment of Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C. as Special Counsel to the Debtors [Filed: 1/17/06] (Docket No. 11556)
- b. Certification of No Objection Regarding Docket No. 11556 [Filed: 2/9/06] (Docket No. 11743)

Response Deadline: February 3, 2006, at 4:00 p.m.

Responses Received: None as of the date of this Notice of Agenda.

Status: A certificate of no objection has been filed regarding this matter and the Debtors respectfully request the entry of the order attached to the Motion.

**CONTESTED MATTERS**

3. Motion of The Scotts Company Pursuant to Federal Rule of Civil Procedure 60(b) and Federal Rule of Bankruptcy Procedure 9024 for Relief to the Extent Necessary from the Modified Preliminary Injunction Order Dated January 22, 2002 and/or the Automatic Stay [Filed: 11/15/04] (Docket No. 323) *W. R. Grace & Co., et al. v. Margaret Chakarian, et al. and John Does 1 - 1000* [Adv. Pro. No. 01-771].

Response Deadline: December 15, 2004 at 4:00 p.m.

Responses Received:

- a. Objection of Maryland Casualty Company to Motion of the Scotts Company Pursuant to Federal Rule of Civil Procedure 60(b) and Federal Rule of Bankruptcy Procedure 9024 for Relief to the Extent Necessary from the Modified Preliminary Injunction Order Dated January 22, 2002 and/or the Automatic Stay [Filed: 2/11/05] (Adv. Pro. No. 01-771, Docket No. 355)
- b. Response of One Beacon America Insurance Company and Seaton Insurance Company to the Motion of the Scotts Company Pursuant to Federal Rule of Civil Procedure 60(b) and Federal Rule of Bankruptcy Procedure 9024 for Relief to the Extent Necessary From the Modified Preliminary Injunction Order Dated January 22, 2002 and/or the Automatic Stay [Filed: 2/11/05] (Adv. Pro. No. 04-55083, Docket No. 14)
- c. Objection of Continental Casualty Company and Boston Old Colony Insurance Company to the Scotts Company's Motion Seeking Relief From the Automatic Stay and the Modified Preliminary Junction Order Dated January 22, 2002 [Filed: 2/18/05] (Adv. Pro. No. 01-771, Docket No. 356)

Status: This matter will go forward as a status conference.

4. Motion of BDM Construction Company, Inc. for Order Granting Modification of the Automatic Stay [Filed: 11/28/05] (Docket No. 11184)

Related Documents:

- a. [Proposed] Order Granting Motion of BDM Construction Company, Inc. for Modification of the Automatic Stay [Filed: 11/28/05] (Docket No. 11184)
- b. Declaration of David S. Henningsen in Support of Motion of BDM Construction Company, Inc. for Modification of Automatic Stay [Filed: 11/28/05] (Docket No. 11187)

Response Deadline: January 10, 2006, at 4:00 p.m.

Responses Received:

- a. Debtors' Objection to the Motion of BDM Construction Company, Inc. for Relief from the Automatic Stay [Filed: 1/10/05] (Docket No. 11523)

Replies Received:

- a. Reply of BDM Construction Company, Inc. to Debtors' Objection to Motion for Order Granting Modification of the Automatic Stay [Filed: 1/20/06] (Docket No. 11607)

Status: The parties are working on a stipulation to resolve this matter

**EXCLUSIVITY**

5. Debtors' Ninth Motion for an Order Pursuant to 11 U.S.C. § 1121(d) Extending Debtors' Exclusive Periods in Which to File a Chapter 11 Plan and to Solicit Votes Thereon [Filed: 11/14/05] (Docket No. 11067)

Related Documents:

- a. [Proposed] Order Pursuant to 11 U.S.C. § 1121(d) Extending Debtors' Exclusive Periods in Which to File a Chapter 11 Plan and to Solicit Votes Thereon [Filed: 11/14/05] (Docket No. 11067)

Response Deadline: December 2, 2005 at 4:00 p.m. (*extended for the General Unsecured Creditors Committee until December 7, 2005 at 12:00 noon.*)

Responses Received:

- a. Objection of the Official Committee of Asbestos Property Damage Claimants to Debtors' Ninth Motion for an Order Pursuant to 11 U.S.C. § 1121(d) Extending Debtors' Exclusive Periods in Which to File a Chapter 11 Plan and Solicit Votes Thereon [Filed: 12/2/05] (Docket No. 11243)
- b. Future Claimants Representative's Objection to Debtors' Ninth Motion for Order Further Extending Exclusive Periods for Filing a Plan and Soliciting Votes Thereon [Filed: 12/2/05] (Docket No. 11244)
- c. Response in Opposition to Debtors' Ninth Motion for an Order Pursuant to 11 U.S.C. 1121(d) Extending Debtors' Exclusive Periods in Which to File a Chapter 11 Plan and to Solicit Votes Thereon [Filed: 12/2/05] (Docket No. 11246)
- d. Official Committee of Asbestos Personal Injury Claimants' Objection to The Debtors' Ninth Motion For An Order Pursuant To 11 U.S.C. §1121(d) Extending Debtors' Exclusive Periods In Which To File A Chapter 11 Plan And To Solicit Votes Thereon [Filed: 12/2/05] (Docket No. 11247)
- e. Limited Response of State of Montana to Debtors' Ninth Motion for an Order Pursuant to 11 U.S.C. §1121(d) Extending Debtors' Exclusive Periods in Which to File a Chapter 11 Plan and to Solicit Votes Thereon [Filed: 2/10/06] (Docket No. 11747)

- f. Limited Response of Her Majesty the Queen in Right of Canada as Represented by the Attorney General of Canada to Debtors' Ninth Motion for an Order Pursuant to 11 U.S.C. §1121(d) Extending Debtors' Exclusive Period in Which to File a Chapter 11 Plan and to Solicit Votes Thereon [Filed: 2/10/06] (Docket No. 11748)

Replies Received:

- a. Debtors' Motion for Leave to File Debtors' Reply in Further Support of Its Ninth motion for an Order Extending Exclusivity [Filed: 12/9/05] (Docket No. 11309)
- (i) Debtors' Reply in Further Support of Its Ninth motion for an Order Extending Exclusivity [Filed: 12/9/05] (Docket No. 11309)
- b. Grace's Status Report on the Progress of the Case [Filed: 2/13/06] (Docket No. 11756)

Status: This matter will go forward. The Debtors will present a status report to the Court and will go forward on plan negotiations.

**CLAIMS OBJECTIONS**

6. Debtors' Fifth Omnibus Objection to Claims (Substantive) [Filed: 05/05/04] (Docket No. 5527)

Response Deadline: June 4, 2004, at 4:00 p.m.

Responses Received: Unresolved Responses to this matter are listed on the attached Exhibit A.

Status: To the extent any remaining disputed claims are resolved prior to the hearing, the Debtors will present an order regarding the same at the hearing. The parties will request scheduling for the claims of David and Michelle Archer. A hearing on all unresolved disputed claims will be continued to the omnibus hearing on March 27, 2006, at 2:00 p.m.

**PRE-TRIAL CONFERENCE AND MOTION FOR PRELIMINARY INJUNCTION**

7. Debtors' Motion for an Injunction under Sections 105 and 362 of the Bankruptcy Code [Filed: 9/19/05] (Adv. Pro. No. 05-52724, Docket No. 3)

Related Documents:

- a. [Proposed] Injunction Order [Filed: 9/19/05] (Adv. Pro. No. 05-52724, Docket No. 3)
- b. Order (SECOND) Regarding Debtor's Motion for an Injunction [Filed: 1/31/06] (Adv. Pro. No. 05-52724, Docket No. 11)

Response Deadline: October 7, 2005, at 4:00 p.m.

Responses Received:

- a. Defendants' Motion to Dismiss Debtors' Complaint for Declaratory and Injunctive Relief and in Opposition to Debtors' Motion for an Injunction [Filed: 10/7/05] (Docket No. 6)

Related Document

- a. Brief in Support of Defendants' Motion to Dismiss Debtors' Complaint for Declaratory and Injunctive Relief and in Opposition to Debtors' Motion for an Injunction [Filed: 10/7/05] (Docket No. 7)

Replies Received:

- a. Debtor's Opposition to Defendants' Motion to Dismiss [Filed: 10/28/05] (Docket No. 8)

**Status: The parties have agreed to continue this matter until March 27, 2006 at 2:00 p.m.**

8. Pretrial Conference for W. R. Grace & Co., et al., v. Bradley M. Campbell, Commissioner of the New Jersey Department of Environmental Protection [Filed: 9/19/05] (Adv. Pro. No. 05-52724)

Related Documents:

- a. Complaint for Declaratory and Injunctive Relief [Filed: 9/19/05] (Adv. Pro. No. 05-52724, Docket No. 1)
- b. Summons and Notice of Scheduling Conference in an Adversary Proceeding [Filed: 9/19/05] (Adv. Pro. No. 05-52724, Docket No. 2)

Response Deadline: October 7, 2005, at 4:00 p.m.

Responses Received:

- a. Defendants' Motion to Dismiss Debtors' Complaint for Declaratory and Injunctive Relief and in Opposition to Debtors' Motion for an Injunction [Filed: 10/7/05] (Adv. Pro. No. 05-52724, Docket No. 6)

Related Document

- a. Brief in Support of Defendants' Motion to Dismiss Debtors' Complaint for Declaratory and Injunctive Relief and in Opposition to Debtors' Motion for an Injunction [Filed: 10/7/05] (Adv. Pro. No. 05-52724, Docket No. 7)

Replies Received:

- a. Debtor's Opposition to Defendants' Motion to Dismiss [Filed: 10/28/05] (Adv. Pro. No. 05-52724, Docket No. 8)

**Status:** The parties have agreed to continue this matter until March 27, 2006 at 2:00 p.m.

**MATTERS RELATING TO ASBESTOS PD CLAIMS**

**I. PD CLAIMS OBJECTIONS CONTINUED FROM THE 1/24/06 THROUGH 1/26/06 HEARING**

**9. Traditional PD Claims, Speights & Runyan**

**A. Unauthorized Claims (per 13<sup>th</sup> omnibus objection)**

**20 claims remaining**, no proof of authority to file

**68 claims remaining**, no proof of authority to file as of Bar Date

- i. Debtors' Thirteenth Omnibus Objection to 2,937 Unauthorized Claims Filed By the Law Firm Speights & Runyan (Substantive) [Filed: 9/1/05] (Docket No. 9311)
- ii. Response of Speights & Runyan to Debtors' Thirteenth Omnibus Objection [Filed: 10/7/05] (Docket No. 9607)

**Further Briefing:**

- iii. Sur-Reply in Support of the Disallowance of 71 Claims for which Speights & Runyan has not Established Authority to File as of the March 31, 2003 Bar Date [Filed: 01/24/2006](Docket No. 11621)
- iv. Further Memorandum in Opposition to Debtors' Thirteenth Omnibus Objection: Ratification of Authority by Claimants filed by Anderson Memorial Hospital [Filed: 02/03/2006](Docket No. 11709)
- v. Debtors' Brief in Further Support of the Disallowance of 71 Claims where Speight Lacked Authority as of the Bar Date [Filed: 2/3/06] (Docket No. 11712)

**B. Previously Settled Claims, 2 claims, Objection B-2:  
(Only 2 Settled British Columbia Claims will go forward)**

- i. Claim No. 12299
- ii. Claim No. 12355

**C. *Coca-Cola Enterprises Claim will go forward per Court's Order (Docket No. 11724) (Per 15<sup>th</sup> Omnibus Objection)***

i. Amended Order [Filed: 2/6/06] (Docket No. 11724)

***Status: In light of the withdrawals filed by Speights & Runyan the Debtors will not be proceeding on the Claims filed by Coca-Cola Enterprises.***

**Related Documents**

- a. Debtors' Fifteenth Omnibus Objection (Substantive) to Asbestos Property Damage Claims [Filed: 9/1/05] (Docket No. 9315)

**Responses Received:**

- a. Response to Debtors' Fifteenth Omnibus Objection (Substantive) to Asbestos Property Damage Claims [Filed: 10/22/05] (Docket No. 10212)
- b. Response to Debtors' Fifteenth Omnibus Objection (Substantive) to Asbestos Property Damage Claims [Filed: 10/25/05] (Docket No. 10815)
- c. Response to Debtors' Fifteenth Omnibus Objection (Substantive) to Asbestos Property Damage Claims of Claimant Carleton University - Coca-Cola Enterprises, Inc., Downey/Lakewood Building, California (Claim Number 12383) [Filed: 10/21/05] (Docket No. 9852)

**Replies Received:**

- a. Debtors' Reply Brief in Support of Fifteenth Omnibus Objection to Claims (Substantive) [Filed 12/22/2005] (Docket No. 11428)

**Sur-Replies Received:**

- a. Certain Speights & Runyan Claimants' Sur-Reply in Opposition to the Debtors' Thirteenth and Fifteenth Omnibus Objections [Filed: 1/20/06] (Docket No. 11594)

**Status:** This matter will be going forward.

**II. MATTERS RELATING TO THE ANDERSON MEMORIAL HOSPITAL'S MOTION FOR CLASS CERTIFICATION**

**A. Status Report on the Debtors' 2002 Notice Program**

**B. Debtors' Motion For Protective Order**

10. Debtors' Motion for Protective Order Against Anderson Memorial's Requests for 30(b)(6) Depositions and Documents [Filed: 12/19/05] (Docket No. 11365)

Related Documents:

- a. [Proposed] Protective Order Against Anderson Memorial Hospital's Discovery Requests Seeking Deposition Testimony and Documents [Filed: 12/19/05] (Docket No. 11365)

Response Deadline: None.

Responses Received:

- a. Anderson Memorial Hospital's Response to Debtors' Motion for Protective Order for 30(b)(6) Depositions and Documents [Filed: 1/10/09] (Docket No. 11522)

Status: This matter will go forward.

**C. Anderson Memorial Hospital's Motion For Limited Relief From The Automatic Stay**

11. Anderson Memorial Hospital's Motion for Limited Relief From Automatic Stay [Filed: 12/22/05] (Docket No. 11413)

Related Documents:

- a. [Proposed] Order Granting Limited Relief From §362 Automatic Stay [Filed: 12/22/05] (Docket No. 11413)

Response Deadline: January 10, 2006, at 4:00 p.m.

Responses Received:

- a. Debtors' Objection to Anderson Memorial Hospital's Motion for Limited Relief from the Automatic Stay [Filed: 1/10/06] (Docket No. 11520)

Status: This matter will go forward.

**III. ESTIMATION PHASE I**

12. Debtors' Motion to Strike or Compel Full Disclosure of the Property Damage Committee's Phase I Fact Witnesses [Filed: 12/23/05] (Docket No. 11434)

Related Documents:

- a. [Proposed] Order Granting Debtors' Motion to Strike or Compel Full Disclosure of the Property Damage Committee's Phase I Fact Witnesses [Filed: 12/22/05] (Docket No. 11434)

Response Deadline: January 10, 2006, at 4:00 p.m. *(extended until January 12, 2006)*

Responses Received:

- a. Objection of Official Committee of Property Damage Claimants to Debtors' Motion to Strike or Compel Full Disclosure of the Property Damage Committee's Phase I Fact Witnesses [Filed: 1/12/06] (Docket No. 11533)

Replies Received:

- a. Debtors' Motion for Leave to File Limited Reply in Support of Their Motion to Strike or Compel Full Disclosure of the Property Damage Committee's Phase I Fact Witnesses [Filed: 1/20/06] (Docket No. 11583)
  - (i.) Debtors' Limited Reply in Support of Their Motion to Strike or Compel Full Disclosure of the Property Damage Committee's Phase I Fact Witnesses [Filed: 1/20/06] (Docket No. 11583, Exhibit A)


**Status: This matter will not go forward.**

Dated: February 17, 2006

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-and-

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